

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Millennium Pharmaceuticals, Inc.  
Attn: Shixin Qin  
640 Memorial Dr.  
Cambridge, MA 02139

COPY

Deposited on Behalf of: Millennium Pharmaceuticals, Inc.

Identification Reference by Depositor:

Hybridoma producing monoclonal antibody against human  
alpha-4/beta-7: ACT-1 #39

Patent Deposit Designation

PTA-3663

The deposit was accompanied by:     a scientific description     a proposed taxonomic description indicated above.

The deposit was received August 22, 2001 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested September 5, 2001. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Tanya Nunnally, Patent Specialist, Patent Depository

Date: September 7, 2001

cc: Jean M. Silveri

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#32

Applicants: Paul D. Ponath, Douglas J. Ringler, S. Tarran Jones, Walter Newman,  
Jose Saldanha and Mary M. Bendig

Application No.: 08/700,737 Group: 1644

Filed: August 15, 1996 Examiner: P. Gambel

For: HUMANIZED IMMUNOGLOBULIN REACTIVE WITH  $\alpha 4\beta 7$  INTEGRIN

HAND DELIVERED

RECEIVED  
FBI CENTER 1600/2900  
01 DEC 12 AM 11:47

TRANSMITTAL OF COPIES OF REPLY TO NOTICE TO FILE MISSING PARTS  
AND ASSOCIATED PAPERS UNDER 37 C.F.R. § 1.8(b)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

On December 11, 2001, the Undersigned contacted Examiner Phillip Gambel to inquire as to whether the Reply to Notice to File Missing Parts and associated papers mailed from this office on November 12, 2001, had been matched to the file and forwarded to the Examiner. The Examiner had previously contacted the undersigned to determine if a Reply to Notice to File Missing Parts had been filed, because the PTO records did not indicate that the Reply had been received. On December 11, 2001, the Examiner indicated that the PTO records still did not indicate that the Reply had been received. Therefore, copies of the following documents which were mailed to the PTO on November 12, 2001, under the certificate of mailing procedure of 37

C.F.R. § 1.8, are being transmitted herewith:

01/29/2002 GDUCKETT 00000003 08700737

12/14/2001 09060931 08700737  
01 FC:118 1440.00 OP  
02 FC:102 740.00 OP  
03 FC:102 504.00 OP  
04 FC:103 306.00 OP  
05 FC:105 130.00 OP

01 FC:131 740.00 OP

- 1) Reply to Notice to File Missing Parts of Application with Petition for Extension of Time (four months) with copy (Formalities Letter and Fee Transmittal attached);
- 2) Preliminary Amendment with marked up version of amendments (p. i-vii) and copy of ATCC deposit receipt;
- 3) Statement Under 37 C.F.R. § 1.806 and § 1.808;
- 4) Statement Under 37 C.F.R. § 1.804(b);
- 5) Declaration of Robert B. Colvin, M.D. Under 37 C.F.R. § 1.132;
- 6) Declaration of Walter Newman, Ph.D. Under 37 C.F.R. § 1.132;
- 7) Declaration of Barry Coughlin Under 37 C.F.R. § 1.132; and
- 8) Information Disclosure Statement with Form PTO-1449 and copy of reference AU5.

The Notice to File Missing Parts was dated May 11, 2001 and set a two-month period for reply, making the due date July 11, 2001 (without extension of time). The Reply to Notice to File Missing Parts (w/ Petition for Extension of Time (four months) and copy) and other documents listed above, were mailed to the PTO under 37 C.F.R. § 1.8 on November 12, 2001, by Ms. Danielle D. Gath of this office. As can be seen from the enclosed copies, each of the documents bear a Certificate of Mailing stating the date of deposit (November 12, 2001) with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, executed by Ms. Gath. Because the Reply to Notice to File Missing Parts (w/ Petition for Extension of Time (four months) and copy) and associated papers were mail in accordance with 37 C.F.R. § 1.8 on November 12, 2001, the Reply should be considered timely. The enclosed check in the amount of \$3,120.00 is in payment of the fees (with surcharge) due on November 12, 2001.

Authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application. Please charge any additional fee that may be due in this matter to Deposit Account No. 08-0380. A copy of this authorization is enclosed for accounting purposes.

If the Examiner feels that a telephone conference would expedite prosecution of this application, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Robert H. Underwood  
Robert H. Underwood  
Registration No. 45,170  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

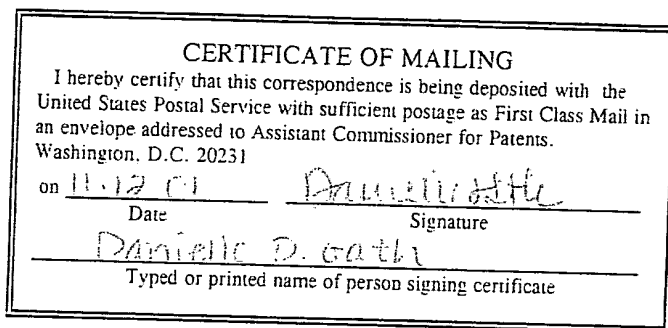
Concord, MA 01742-9133

Dated: December 11, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**FILE COPY**

Applicants: Paul D. Ponath, Douglas J. Ringler, S. Tarran Jones, Walter Newman,  
José Saldanha and Mary M. Bendig  
Application No.: 08/700,737 Group: 1644  
Filed: August 15, 1996 Examiner: P. Gambel  
For: HUMANIZED IMMUNOGLOBULIN REACTIVE WITH  $\alpha 4\beta 7$   
INTEGRIN



REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated May 11, 2001, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

☐ EXECUTED DECLARATION/POWER OF ATTORNEY  
(Separate transmittal letter and postcard not required)

☒ PRELIMINARY AMENDMENT  
(Separate transmittal letter and postcard not required)

**COPY**

☒ **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate.

Fee calculations based on:

☐ Claims as originally filed.

☒ Claims upon entry of the Preliminary Amendment filed herewith.

*(Separate transmittal letter and postcard not required)*

☒ **SURCHARGE** - surcharge fee of \$130.00.

*(Separate transmittal letter and postcard not required)*

☐ **SEQUENCE LISTING** - Filed concurrently and is attached.

*(Separate transmittal letter and postcard required)*

☐ **TRANSMITTAL OF SUBSTITUTE DRAWINGS**

☐ Sheets of substitute drawings consisting of Figs. 1 - [ ] are enclosed.

*(Separate transmittal letter and postcard not required)*

☒ **PETITION FOR EXTENSION OF TIME**

☒ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated May 11, 2001 for four months from July 11, 2001 to November 11, 2001. The appropriate fee of \$1,440.00 is included in the enclosed check.

☐ A [ ] month extension of time to respond to the Notice to File Missing Parts dated [ ] was filed on [ ] with payment of a \$[ ] fee.

☐ Applicant hereby petitions for an additional [ ] month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$[ ] is included in the enclosed check.

*(Separate Petition for Extension of Time and postcard not required)*

☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached.

*(Separate transmittal letter and postcard required)*

☐ **STATEMENT CLAIMING SMALL ENTITY STATUS**

☐ Was filed on [ ].

☐ Is enclosed herewith.

*(Separate transmittal letter and postcard not required)*

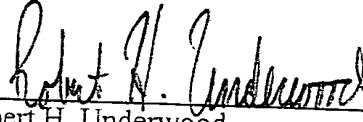
☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$[ ] which were paid on [ ] to be deposited in Deposit Account No. 08-0380.

COPY

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$3,120.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
Robert H. Underwood  
Registration No.: 45,170  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: November 12, 2001

COPY



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

1855.1017-000

DAVID E PROOF  
HAMILTON BROOK SMITH & REYNOLDS  
TWO MILITIA DRIVE  
LEXINGTON MA 02170

PROFESSOR

EXAMINER

WAB/EL

DOCKETED

ART UNIT

PAPER NUMBER

1644

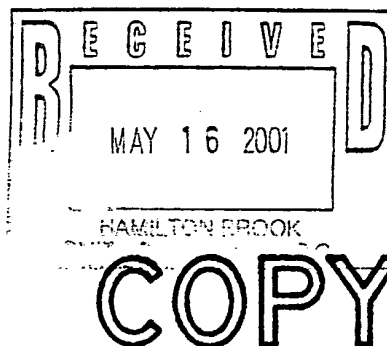
FED 11JLO1  
(FEE 11DE01)

DATE MAILED:

05/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks





DATE MAILED:

**NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)  
 Filing Date Granted**

The Continued Prosecution Application (CPA) request filed on 04-01-04 is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

- ☒ 1. The statutory basic filing fee is:  
☒ missing.  
☐ insufficient.

(a) Applicant must submit \$ 710 to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ \_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

- ☒ 2. Additional claim fees of  
 \$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for \_\_\_\_\_ independent claims over 3.  
 \$ \_\_\_\_\_ (non-small entity) or \$ 1410 (small entity) for \_\_\_\_\_ claims over 20.  
 \$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.  
☐ 5. Other: \_\_\_\_\_

**A copy of this Notice MUST be returned with the reply.**

Direct the reply and any questions about this Notice to:

Kenneth A. Arnold

Examining Group 1101/14

(703) 30 10-4085

**COPY**

FEE TRANSMITTAL FOR  
PATENT APPLICATIONS

Attorney Docket Number	1855-1017-000
Application Number	08/700,737
First Named Inventor	Paul D. Ponath

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		37 - 20* =	17	x \$ 18 =	\$ 306
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		9 - 3** =	6	x \$ 84 =	\$ 504
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 280 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 740
Total of above Calculations =					\$ 1550
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =					\$
TOTAL =					\$ 1550
Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =					\$ 130
Petition for Extension of Time Fee (37 C.F.R. 1.17) =					\$ 1440
Assignment Recordation Fee = (only when filed with application)					\$
TOTAL =					\$ 3120

\* Reissue claims in excess of 20 and over original patent  
 \*\* Reissue independent claims over original patent

## 1. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$3120.00. ☐ Please charge \$[ ] to Deposit Account No. 08-0380.

4. ☒ Other: Preliminary Amendment, copy of ATCC Deposit receipt, Statement Under 37 C.F.R. § 1.806 and § 1.808, Statement Under 37 C.F.R. § 1.804(b), Declaration of Walter Newman, Ph.D. Under 37 C.F.R. § 1.132, Declaration of Robert B. Colvin, M.D. Under 37 C.F.R. § 1.132 and Declaration of Barry Coughlin Under 37 C.F.R. § 1.132, Information Disclosure Statement with Form PTO-1449 (1 page) and copy of ref AU5.

Signature	<i>Robert H. Underwood</i>	Date	<i>November 12, 2001</i>
Submitted by Typed or Printed Name	Robert H. Underwood	Reg. Number	45,170

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